

HUMANE SOCIETY of CANADA

Protecting Animals and the Earth

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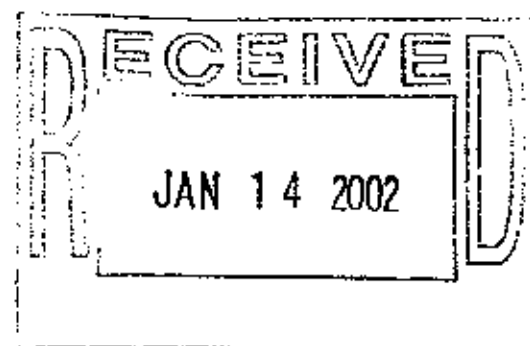
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WITHOUT PREJUDICE

1 November 2001

NOAA/NMFS
Office of Protected Resources
1315 East-West Highway
Rm 13705
Silver Spring, MD 20910



Re: Public Submissions on the Protected Species Special Exception Permits

I am writing you on behalf of the Humane Society of Canada, a registered charitable organization with over 110,000 supporters nationwide. It has been brought to our attention that the NMFS is currently in the public consultation phase for proposed amendments to the regulations for the permits to capture or import marine mammals for public display under the MMPA (1972). Please find herein our response to your request for public submissions concerning this issue.

1.) Section 3 of the proposed rule, **Disposition for a Special Exception Purpose**, states: *"In instances where a rehabilitated beached and stranded marine mammal has been determined releasable, it may be held for public display, scientific research, or enhancement in lieu of a direct capture from the wild"*

We are concerned about this statement, as we do not believe that any marine mammal should be in captivity. Earlier in the proposed rules under Section 2, **General Requirements**, stated that non-releasable rehabilitated marine mammals may be transferred for public display, and that captive marine mammals may not be released into the wild. It is the Humane Society of Canada's position that all marine mammals if they are determined to be releasable into the wild, should be released. There is a danger that this clause will become a mechanism by which marine mammals are cheaply acquired for public display.

Humane Society of Canada for
the Protection of Animals and the
Environment is a Registered
Canadian Charitable Organization
(BN 13730 3343 RR0001)



The HSC has long maintained that the quality of life of captive animals is greatly diminished from that of animals in the wild. In a scientific study lead by a Canadian team of researchers with the International Marine Mammal Association, sponsored in part by the HSC, investigated the overall survival rates of captive and free-ranging bottle-nose dolphins, killer whales, and beluga whales.

The results show that cetaceans have a shortened lifespan in captivity; with annual survival rates significantly lower than their wild counterparts. Calculations taken from the study showed that on average the expected life span of a bottlenose dolphin in captivity could be as little as fourteen years, while in the wild the dolphin could live 25 to 30 years. Wild Orca populations have an average lifespan of 55 years for females and 30 years for males with an estimated maximum lifespan of 80 years for females and 65 years for males. In captivity, these figures decrease to a maximum lifespan of 35 years with most dying before they reach their twentieth year. The Canadian team found that other species of cetaceans, such as the narwhal and short-finned pilot whale, have even lower annual survival rates in captivity than do dolphins, killer whales and beluga whales.

2.) Under Section 3 **Disposition for a Special Exception Purpose**, the Humane Society of Canada does not agree with your statement "captive marine mammals may not be released into the wild". There have been instances where marine mammals have been successfully rehabilitated and released into the wild. In subsequent follow-ups on the progress of the released animals, they found them to be surviving and integrating well with no signs of distress in the local populations due to their presence. Blood tests can ascertain the presence of communicable diseases, and treatment regimens ordered before release.

3.) Under Section 7 *Permits to Capture or Import*, the rule states that: "*applicants must demonstrate that the captures will not have a significant impact on the species or stock of the animals to be captured*".

Little scientific investigation has been conducted on the effects of capture on either the animals captured or the wild population although observations on the techniques involved in order to capture marine mammals show they often result in significant stress. With killer whales, the pod is usually corralled into a shallow inlet and trapped by purse seine nets. Generally, the age at capture is 1-5 years with the average individual being 2 years of age. With belugas, capture is generally from Hudson's Bay and involves the animals being chased by boats until one is roped or lassoed. Some individuals are chased for hours until they are captured. Generally the captures take place in summer when the belugas are congregating to feed and to give birth.

Captures have been observed to disrupt pod integrity; separate mothers from calves and many are worried about the possible risk of beaching and stress-related abortions. All too often, the animals die shortly after being installed in captivity; In one instance it was observed that of three belugas captured for the Baltimore Aquarium in 1987, one died shortly thereafter.

4.) We have concerns with the decision by the NMFS to alter the current reporting scheme so that the holders of marine mammals send their transfer notifications, and birth, death data directly to the International Species Information System (ISIS). While one of the reasons for this divestiture of responsibility was to "enhance public access to the captive marine mammal information required under the MMPA", ISIS is not a public entity, and is not governed by the Freedom of Information Act. ISIS is an organisation whose membership is made up primarily of zoos and aquaria. We are concerned that rather the opposite will take place and NGO's and independent scientists who are studying the effects of captivity on marine mammals will lose a valuable source of information.

5.) In regards to the issue of letters of comity: The Humane Society of Canada feels that they are an integral part of keeping track of the movement of captive cetaceans once they have been exported from the US. They also allow for some assurance that there is a minimum standard of care and maintenance for these animals once they are outside the jurisdiction of the US, many of whom have little or no animal welfare legislation in place. These letters of comity are only way in which we can verify that marine mammals have been imported into Canada because of the lack of control and complicity of the Department of Fisheries and Oceans.

In 1999, the Department of Fisheries and Oceans commissioned a review of live-capture and captivity of marine mammals in Canada. The findings of the report demonstrated "serious inadequacies in regulating the captive maintenance of marine mammals in Canada". The recommended course of action was to implement a moratorium on the live-capture of marine mammals for captive displays.

The keeping of whales and dolphins in captivity is both irresponsible and anti-educational. It serves only to reinforce the misguided notion that we can only understand nature by dominating it and that humans are somehow above nature rather than being a part of it.

Sincerely,



for: Michael O'Sullivan
Executive Director